

BEFORE THE BOARD OF MEDICAL EXAMINERS

OF THE STATE OF IOWA

IN THE MATTER OF THE STATEMENT :

OF CHARGES AGAINST JOHN H. : FINDINGS OF FACT AND
BARNES, D.O., : CONCLUSIONS OF LAW

RESPONDENT. :

This matter came on regularly for hearing before the Board of Medical Examiners of the State of Iowa on the 8th day of March, 1972, and on the 12th day of April, 1972. The State of Iowa was represented by John B. Beamer, Assistant Attorney General of the State of Iowa, the licentiate, John H. Barnes, D.O., holder of license No. R-272, appeared in person and was represented by Robert C. Oberbillig.

The Board received testimony and exhibits by the State of Iowa and licentiate pertaining to the statement of charges and having duly considered the matter and finding that the statement of charges is supported by substantial evidence, make the following findings:

1. That Doctor Arnold M. Reeve, M.D., is the duly appointed, qualified and acting Commissioner of Public Health of the State of Iowa.

2. That Frank R. Peterson, M.D., Chairman; John W. Billingsley, M.D., Vice-Chairman; Howard G. Ellis, Secretary; John K. MacGregor, M.D.; Roger B. Anderson, D.O.; John M. Rhodes, M.D.; Kenneth E. Lister, M.D.; and Kenneth R. Carrell, D.O., are duly appointed, qualified and acting officers and members of the Iowa State Board of Medical Examiners.

3. That the Respondent, John H. Barnes, D.O., is a resident of Waterloo, Black Hawk County, Iowa.

4. That the Respondent under the name of John H. Barnes, D.O., was issued a license to practice osteopathic medicine in the State of Iowa on the 8th day of October, 1959, as evidenced by certificate No. R-272 and said license is recorded in Book A at Page 66 of the records of the Iowa Department of Health.

5. That a statement of charges was heretofore filed against the Respondent and original notice thereof served upon the Respondent in Black Hawk County, Iowa, by personal service on the 26th day of February, 1972.

6. That this Board has jurisdiction of the subject matter of this cause and of the parties hereto.

7. That on the 24th day of February, 1969, James F. Speers, M.D., Commissioner of Health, entered an order herein providing that the license and certificate to practice as an osteopathic physician in the State of Iowa, heretofore issued to the Respondent, John H. Barnes, D.O., on the 8th day of October, 1959, as evidenced by certificate No. R-272 and recorded in Book A at Page 66 of the permanent records of the Iowa State Department of Health be, and the same is hereby revoked, provided, however, that the execution of said order of revocation be and the same is hereby stayed for a period of five years upon certain terms and conditions.

8. That the Respondent did not comply with the terms and conditions of the Commissioner's order, in that he did not report in person to the Board of Medical Examiners at the regular annual meetings of the Board held at the University of Iowa College of Medicine, Iowa City, Iowa, on June 9, 1969, May 31, 1970, and June 16, 1971.

9. That pursuant to the terms and conditions of the Commissioner's order, the Respondent received written instructions from the Board of Medical Examiners to appear before the Board of Medical Examiners at a meeting to be held at 10:30 a.m., August 6, 1969, in Room 22 of the State Capital Building, Des Moines, Iowa, and the Respondent did not report in person before the Board of Medical Examiners at said meeting.

10. That pursuant to the terms of the Commissioner's order, the Respondent was examined by Thomas P. Board, M.D., and Melvin Finkelstein, Ph.D., Northeastern Psychiatric Clinic, 610 First National Bank Building, Waterloo, Iowa, on March 19, 1969, and March 26, 1969.

11. That the Board of Medical Examiners received a report from Thomas P. Board, M.D., dated May 9, 1969, stating that his diagnosis for the Respondent is "schizoid personality" and further stating that the Respondent would not be a good candidate for intensive or insight psychotherapy, but might be able to use more superficial supportive psychotherapy being seen perhaps about once a month.

12. That the said report received from Thomas P. Board, M.D., was reviewed by the Board of Medical Examiners at its meeting held May 14, 1969, at which time the executive secretary was instructed to furnish Thomas P. Board, M.D., with certain information contained in the Board files and we requested Dr. Board's opinion as to whether or not it would be more beneficial for him to see the Respondent on a weekly basis rather than once a month as set out in his report of May 9, 1969.

13. That after Thomas P. Board, M.D., received the letter from the Board of Medical Examiners dated May 23, 1969, he communicated by telephone with the Respondent in an effort to establish appointments for treatment of the Respondent, which the Respondent

refused until he talked to his attorney and the Respondent made no further attempt to make additional appointments with Dr. Board.

14. That the Respondent did not comply with the recommendations made for treatment by Thomas P. Board, M.D., nor the provisions of the Commissioner's order as to not less than one appointment for treatment every three months until discharged as cured and the Respondent did not instruct his psychiatrist to send quarterly reports to the Board as to the Respondent's progress and rehabilitation as provided in the Commissioner's order of probation.

15. That the Respondent discontinued his treatment with Thomas P. Board, M.D., without the latter's consent or the consent of the Board of Medical Examiners.

16. That the Respondent signed written prescriptions for Mrs. Porter Barnes during the period of his probation.

CONCLUSIONS OF LAW

The following conclusions of law are made:

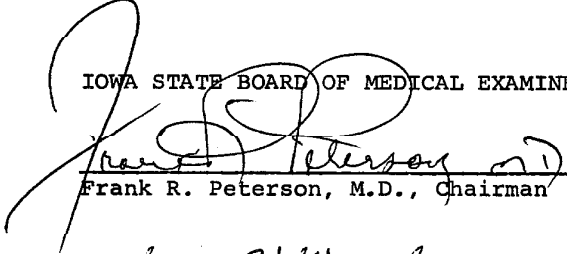
1. That the Respondent in not reporting in person to the Board of Medical Examiners at its regular meetings held in Iowa City, Iowa, on June 9, 1969, May 31, 1970, and June 16, 1971, and his refusal to appear at a meeting of the Board of Medical Examiners held at 10:30 a.m., August 6, 1969, in Room 22 of the State Capital Building, Des Moines, Iowa, and his refusal to continue treatment under the care of Thomas P. Board, M.D., without the latter's consent or the consent of the Board of Medical Examiners and Respondent's failure to instruct Dr. Board to submit to the Board quarterly reports as to his progress and rehabilitation and the Respondent's treatment of his mother, Mrs. Porter Barnes, during the period his license was automatically suspended by the terms of the Commissioner's order, are all in direct violation of the terms and conditions of the Commissioner's order of probation made and entered on the 24th day of February, 1969.

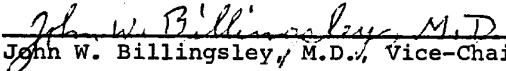
DECISION


Therefore, the Board recommends to the Commissioner of Public Health and it is the decision of this Board that the certificate to practice osteopathic medicine in the State of Iowa heretofore issued to John H. Barnes, D.O., Respondent above named, be revoked.

Dated this 7th day of June, 1972.

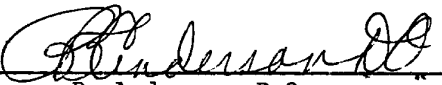
IOWA STATE BOARD OF MEDICAL EXAMINERS

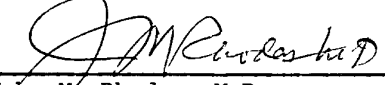

Frank R. Peterson, M.D., Chairman


John W. Billingsley, M.D., Vice-Chairman



Howard G. Ellis, M.D., Secretary


John K. MacGregor, M.D.


Roger B. Anderson, D.O.


John M. Rhodes, M.D.


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